

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

The Cincinnati Insurance Company, Motorists
Commercial Mutual Insurance Company, Penn
National Insurance Company,

Plaintiffs,

v.

Meetze Plumbing Co., Inc.; Promenade at Sandhill
Condominium Association, Inc.; M.B. Kahn
Construction Co., Inc.; and Kahn Development
Company,

Defendants.

Civil Action No. 3:20-cv-02719-SAL

**PLAINTIFFS THE CINCINNATI
INSURANCE COMPANY,
MOTORISTS COMMERCIAL
MUTUAL INSURANCE COMPANY,
AND PENN NATIONAL
INSURANCE COMPANY'S
DESIGNATION OF EXPERT
WITNESS**

Plaintiffs The Cincinnati Insurance Company, Motorists Commercial Mutual Insurance Company and Penn National Insurance Company ("Plaintiffs"), hereby designate the following expert witness they may call at the trial of this matter pursuant to Rule 26(a)(2) of the Federal Rules of Civil Procedure and the Second Amended Conference and Scheduling Order filed on March 31, 2021, as follows:

Richard J. Rogers, M.B.A., P.E.
Rogers Construction Engineering
2318 Devine Street
Columbia, SC 29205

- a) This witness may testify concerning his examinations and investigations regarding Plaintiffs' declaratory judgment action in the above-referenced lawsuit. If called to testify at trial or deposition, this witness will testify regarding his observations, review of documents and opinions related to the claimed construction deficiencies and damages that are the subject of this coverage action and emanate from the underlying construction defect lawsuit styled *Promenade at Sandhill Condominium*

Association, Inc. by and for Itself and on Behalf of Its Unit Owners and Members v. M.B. Kahn Construction Co., Inc., et al., C/A No.: 2015-CP-40-02501.

- b) Pursuant to Rule 26(a)(2)(B), FRCP, a signed copy of Mr. Rogers' initial report is attached hereto as Exhibit A. Mr. Rogers' report contains a complete statement of all opinions he has formed to date and the basis and reasons for such opinions, the facts or data considered in forming them, the exhibits that will be used to summarize or support them, a summary of his qualifications, compensation information, and a listing of prior cases in which he has testified as an expert witness.
- c) The witness will finalize his opinions and reports, and prepare necessary exhibits, if any, after he is able to review any written discovery or relevant documents and information generated or obtained during the course of discovery in this matter.
- d) Plaintiffs reserve the right to call at trial any expert witnesses identified by any other party throughout discovery in this case.
- e) Plaintiffs further reserve the right to supplement this expert designation with any additional expert witnesses during the pendency of discovery in this matter.

Respectfully submitted,

HALL BOOTH SMITH, P.C.

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Date: June 11, 2021

Mount Pleasant, South Carolina